

Mark Your Calendars

Revenue Sharing Hearing Scheduled

What: Hearing on Governor Mills’ Revenue Sharing Funding Proposal
When: Wednesday, March 20, 2019 @ 10 a.m.
Where: Room 228, Second Floor of the State House
Who: Municipal officials are urged to attend

Members of the Appropriations and Financial Affairs and Taxation Committees will convene jointly on March 20, 2019 at 10 a.m. to accept public comments on the revenue sharing program changes proposed in Governor Mills’ FY 2020 – FY 2021 Biennial General Fund budget (LD 1001).

Under current statute, funding for the state-municipal revenue sharing program is to be restored to five percent of state sales and income taxes on July 1, 2019 (FY 2020). However, the proposed budget reduces the amount of state tax revenue shared with municipalities to 2.5 percent in FY 2020 and three percent in FY 2021. As proposed, funding for the program will increase from the current \$71 million to \$89 million in FY 2020 and \$116 million in FY 2021. Funding at the five percent level would increase municipal revenue sharing distributions to \$174 million and \$190 million in the first and second years of the biennium, respectively.

The Maine Legislature honored its commitment to the state/municipal partnership by fully funding the program from its start in 1972 until 2005. However, since 2006, \$708 million in revenue sharing funds, which by statute must be used to reduce the property tax commitment, was redirected and depos-

ited into the state’s coffers.

Although municipal officials were told that the reductions in revenue sharing distributions were temporary, with full restoration of funding for the revenue sharing program just four months out, it seems that plans may be on course to change.

The public hearing provides an invaluable opportunity for municipal officials to share their experiences and show how reductions in revenue sharing distributions have impacted property taxpayers and the ability to provide mandated and desired local government services. In order to make an informed decision, legislators need to hear from the municipal officials out in the field, making do and getting by as roads continue to deteriorate, maintenance on equipment is delayed and staff are asked to do more with less.

It is crucial that municipal officials participate in this process.

The hearing will take place in the Appropriations Committee room, which is located in Room 228 on the second floor of the State House. A brochure prepared by the Office of Fiscal and Program Review outlining the process for the public hearing is posted on MMA’s website (www.memun.org) under recent announcements. Participants

will be allowed to sign-up to testify and can do so beginning at 9 a.m. While printed testimony can be as lengthy as necessary, oral comments will likely be limited to three minutes. Finally, 40 copies of written materials are requested for distribution to the members of both committees and staff.

Participants can also send comments to Appropriations Committee clerk Marianne MacMaster, at Marianne.macmaster@legislature.maine.gov who will forward your comments to all committee members or you can mail your comments to:

Appropriations Committee
 5 State House Station
 Augusta, Maine 04333-0005

MMA staff can also submit written testimony on your behalf. If you want to avail yourself of the MMA option, please email (lellis@memun.org) or fax (624-0129) Laura Ellis no later than noon on Tuesday, March 19.

For more information on the process, please visit the Appropriations Committee website at <http://legislature.maine.gov/ofpr/129th-afa-committee-information/9599> or contact Kate Dufour at kdufour@memun.org or 1-800-452-8786.

Marine Waste Bill Flares up in Committee

The Committee on Criminal Justice and Public Safety received an education on Coast Guard policy, hazardous waste and stormwater regulation on Monday during a public hearing on LD 430, *An Act To Establish and Promote a System of Safe Disposal of Expired Marine Flares*. Marine flares are visual distress signals that must be kept on vessels greater than 16 feet in length operating in coastal waters or on great lakes.

The bill, sponsored by Rep. Jay McCreight of Harpswell, began as a simple question from a constituent concerned with the ever growing stockpiles of expired visual distress signals stored in many basements, sheds and shops around the fishing community. The pursuit of an answer to the problem flared into a three-year search for a comprehensive solution to address the safe disposal of the hazardous product. Through the exploratory endeavor, Rep. McCreight learned that there is no set federal, state, or local approach for dealing with expired flares and many of the methods used by the boating community create a significant fire risk, threaten marine life, impair drinking water quality, and are illegal.

Following consultations with fire, marine, hazardous waste, fishing and Coast Guard professionals, Rep. McCreight introduced LD 252 in 2017 which was passed by the Legislature but subsequently vetoed by then Gov. LePage. This session's initiative, LD 430, establishes a state-led approach that: (1) creates a program with voluntary collection points at fire departments and marine shops that have the capacity to provide short-term storage for the combustible hazardous waste; (2) creates a state led disposal program utilizing the

state-owned explosives incinerator and; (3) creates a State Fire Marshal's Office public education campaign focused on the appropriate process for the disposal of marine flares.

Friends of Casco Bay, Boat Owners Association of the United States, Maine Water Environment Association, Sea Tow Portland/Midcoast and the Maine Municipal Association testified in support of the bill.

Proponents of LD 430 testified that many of the disposal methods currently used are ill-informed and often illegal. Methods such as launching flares on the fourth of July can create false alarms for Coast Guard staff and can cause fire hazards when launched near shore. Additionally, marine flares contain the highly water soluble chemical compound perchlorate, an Environmental Protection Agency recognized human carcinogen, making the act of soaking flares and discarding the waste water a threat to well and ground water quality.

MMA testified in support of the voluntary approach, enabling fire departments to decide whether to take on the collection and temporary storage tasks, as well as in support of the provisions of the bill focused on addressing storm and ground water protection issues posed by the improper disposal of perchlorate on private property.

The Maine Lobstering Union (MLU) and the State Fire Marshall's Office, testified "neither for nor against" LD 430, both acknowledging the hazards posed by the material, the significance of the existing stockpiles, and the lack of a system to address existing and future volumes of expired flares.

While the Maine Lobstering Union

believes the bill would aid marine flare disposal issues, they are concerned that LD 430 does not contain the provisions necessary to prevent the imposition of disposal fees on fishermen who accrue a large number of expired marine flares out of necessity. The MLU stated that the lack of disposal options means many lobstermen improperly discard the waste in landfills or have stockpiles in crates behind their sheds.

Maine's State Fire Marshal Joseph Thomas, underscored the current demand for the disposal of the explosive and environmentally toxic material. According to Mr. Thomas, following last year's legislative effort, the Fire Marshal's Office received over two tons of material from the boating community after it learned the office owns the only ammunitions incinerator in the state.

If the bill is enacted, the Fire Marshal's Office believes they will need to purchase a Mobile Thermal Destruction Unit with sufficient capacity to handle all of the anticipated expired marine flares. Mr. Thomas estimated the cost of a new unit at \$41,500, not including the staff time required to administer the program proposed in LD 430. The only other method of disposal has been to ship material to an Arkansas industrial incinerator, which due to the special handling requirements for the transportation of explosive material, is cost prohibitive.

The bill's sole opponent, the Maine Fire Chiefs' Association (MFCA), cited the limited capacity for fire departments to accept the material as the reason for raising concerns with LD 430. MFCA members believe the burden of disposing of expired materials should be borne by the manufactures of marine flares. Through the assessment of a reimbursable fee imposed at the time of purchase, fire chiefs believe consumers would be encouraged to return the expired flares to the manufacturer for safe disposal. While MFCA admits their proposed solution does not address the existing stockpiles of explosive material languishing in basements and sheds—estimated at 10 tons—it could be a way to handle future waste.

A work session on LD 430 has been scheduled for Monday, March 4 at 1 p.m.

Legislative Bulletin

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Subscriptions to the *Bulletin* are available at a rate of \$20 per calendar year. Inquiries regarding subscriptions or opinions expressed in this publication should be addressed to: *Legislative Bulletin*, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Tel: 623-8428. Website: www.memun.org

Editorial Staff: Kate Dufour, Garrett Corbin, Rebecca Graham and Laura Ellis of the State & Federal Relations staff.

Layout: Jaime Clark, of Communication & Educational Services.

Busy Monday at State and Local Government Committee

At the start of the week, the State and Local Government Committee worked on municipally significant proposals regarding short-term rentals, newspaper notices, and aging in place. Here's the scoop:

Short Term Rental Prohibition – Majority Ought Not to Pass. Last week's edition of the *Legislative Bulletin* chronicled the hearing on LD 209, *An Act To Prohibit Municipalities from Prohibiting Short-term Rentals*, sponsored by Rep. Scott Strom of Pittsfield. At the work session, Rep. Strom submitted an amendment proposing to remove the four-person cap in the definition of "short term rental" and remove the prohibition on municipal restrictions, turning the bill exclusively into a state prohibition on any municipal prohibition.

However, the question remained as to what municipal activity would or would not constitute a prohibition.

Based on the committee's vote of those present – seven "ought not to pass" and one "ought to pass as amended" – it appears unlikely that municipalities will have to seek the answer to that question. On this issue, nearly all committee members offered comments in support of the importance of allowing communities to determine for themselves which regulations are suitable to their interests.

The Association is aware of at least six legislative proposals in the past three years that proposed blanket preemptions on the exercise of home rule authority on a specific topic. If the full Legislature follows the committee's recommendation and kills this bill, LD 209 will mark the fifth recent instance where a majority of state lawmakers told those seeking to abolish local control, "not on our watch."

Newspaper Notices. LD 481, *An Act To Allow the Expansion of the Types of Newspapers That Qualify as Legal Notice Publishers by Removing the 2nd Class Postal Matter Requirement*, presents a semi-regular attempt at expanding the types of publications that lawfully qualify for the publication of state and local governments' hearing announcements, bid requests, ordinance proposals, annual meetings, license applications, and other notices. At the hearing, the

bill's sponsor, Sen. David Miramant of Knox County asked the committee to withdraw or vote against his proposal given how the threat of legislation apparently caused a newspaper covering his district to agree to reduce its advertising fee for publishing the notices that are required by state law.

MMA was the only other entity speaking at the hearing on this legislation, explaining the benefits of allowing notices to be listed in publications which are believed to reach more readers, and are known to charge less for advertising. From a local point of view, helping ensure that important information is communicated to the largest number of citizens while simultaneously reducing property tax burden seems like a win-win.

The work session on this legislation has not yet been scheduled.

Support for Aging in Place. LD 301, *An Act to Help Older Adults Age in Place through Comprehensive Planning*, proposes to amend the law governing comprehensive plans to encourage municipalities to plan for the needs of older adults in their communities by developing policies that assist aging in place (i.e., one's home) and create "age-friendly communities." Rep. Christopher Babbidge of Kennebunk advanced the legislation to address his concern for seniors and the state economy. When testifying, he contrasted the externally-driven concerns of uncontrolled growth that prompted the Legislature to encourage local land use planning through the adoption of comprehensive plans decades ago, to the internal demographic issues driving aging population in all parts of Maine today. In Rep. Babbidge's view, more planning regarding housing and transportation will enable seniors to age in place, allowing those residents to remain active members of their communities.

The sponsor was joined at the hearing by the American Association of Retired Persons (AARP), Maine Council on Aging, and MMA in support, and no one testified against the bill.

The AARP spoke to the importance of prompting municipal officials and residents to keep an eye toward aging

populations when working on comprehensive plans, emphasizing how the bill's language is encouraging, rather than mandatory. Referencing today's "Longevity Era," the Maine Council on Aging testified that careful study and planning can help "build a strong Maine, full of people who are contributing fully, long into old age," claiming the issue requires town planner involvement. Among the demographic realities cited by the Council were the statistics that 25 percent of people over 65 are projected to need more than one year of paid support that Medicare does not cover, and about 10,000 older adults are waiting between three and five years to access affordable senior housing. The Council explained that encouraging policies that allow seniors to stay in their homes can save taxpayer resources that would otherwise go towards more costly facilities.

The Council also stressed that they are not asking towns and cities to do this work on their own, pointing to the Council's Tri-State Learning Collaborative on Aging's assessment and planning tools, the AARP's Network of Age Friendly Communities that provides direct support to municipalities, and the recently convened Task Force on Healthy Aging in Communities that is working on a plan to support municipalities in identifying ways of assisting older residents.

MMA explained the interests of its Legislative Policy Committee in collaborating to address workforce needs (of which the aging demographic trend is part and parcel), noting its forthcoming legislation to enhance property tax relief for seniors. While acknowledging the needs are perhaps most palpable at the local level, the Association raised its impression that the challenges associated with being the most aged state in the nation require a concerted effort at the state level in order to be adequately addressed. With that in mind, the Association cautioned against relying solely on municipalities to resolve these issues and challenged the state to serve as an active partner, devoting its resources and attention to this matter as well.

The work session on LD 301 has not yet been scheduled.

LEGISLATIVE HEARINGS

Note: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. Weekly schedules for hearing schedules and work sessions can be found at: <http://legislature.maine.gov/Calendar/#PHWS/>.

Monday, March 4

Education & Cultural Affairs
Room 208, Cross Building, 10:00 a.m.
Tel: 287-3125

LD 405 – An Act To Increase the Statewide Minimum Salary for Teachers.

LD 419 – An Act To Require a Minimum Salary of \$50,000 for Public School Teachers.

Inland Fisheries & Wildlife
Room 206, Cross Building, 9:00 a.m.
Tel: 287-1338

LD 879 – An Act To Decrease the Risk of the Spread of Invasive Aquatic Plants.

State & Local Government
Room 214, Cross Building, 9:00 a.m.
Tel: 287-1330

LD 623 – An Act To Amend the Charter of the City of Brewer High School District.

LD 655 – An Act To Allow Municipalities To Send Separate Tax Bills for Municipal and County and School Taxes.

LD 687 – An Act To Restore the Former State of Maine Flag.

LD 696 – An Act To Protect Public Employees from Identity Theft.

Veterans & Legal Affairs
Room 437, State House, 10:00 a.m.
Tel: 287-1310

LD 667 – RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That the Governor Be Elected by a Majority Vote.

LD 255 – Resolution, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District.

LD 374 – RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each State Senatorial District.

Tuesday, March 5

Agriculture, Conservation & Forestry
Room 214, Cross Building, 1:00 p.m.
Tel: 287-1312

LD 908 – An act To Require Schools To Submit Pest Management Activity Logs and Inspection Results to the Board of Pesticides Control for the Purpose of Providing Information to the Public.

Energy, Utilities & Technology
Room 211, Cross Building, 1:00 p.m.
Tel: 287-4143

LD 790 – An Act To Eliminate the Cap on the Number of Accounts or Meters Designated for Net Energy Billing.

Innovation, Development, Economic Advancement & Business
Room 202, Cross Building, 1:00 p.m.
Tel: 287-4880

LD 769 – Resolve, To Direct the Commissioner of Professional and Financial Regulation To Create a Working Group To study Credentialing Skilled Individuals with Foreign Credentials.

Wednesday, March 6

Appropriations & Financial Affairs
Room 228, State House, 1:00 p.m.
Tel: 287-1635

LD 1001 – Governor's Biennial Budget: with the Department of Health & Human Services

Criminal Justice & Public Safety
Room 436, State House, 10:00 a.m.
Tel: 287-1122

LD 788 – An Act To Authorize the Use of Handheld Narcotics Analyzers.

1:00 p.m.

LD 396 – An Act To Support Justice for Victims of Sexual Assault by Increasing the Time Sexual Assault Forensic Examination Kits Must Be Stored.

LD 636 – An Act To Require Law Enforcement Officers To Wear Body Cameras.

Education & Cultural Affairs
Room 208, Cross Building, 9:00 a.m.
Tel: 287-3125

LD 136 – An Act To Establish a Special Education Circuit Breaker Reimbursement Program.

LD 651 – An Act To Facilitate School Access to Federal Title I Funds and Improve the Delivery of Special Education Services.

LD 791 – An Act To Provide School Districts with Full State Funding for Students with High-cost Special Education Needs.

1:00 p.m.

LD 375 – An Act To Promote the Forest Products Industry in School Construction and Renovation Involving Heating Systems.

LD 654 – An Act Regarding Instruction in Civics in Secondary Schools.

Labor & Housing
Room 202, Cross Building, 10:00 a.m.
Tel: 287-1331

LD 758 – An Act To Clarify Work Search Requirements for Workers' Compensation.

LD 947 – An Act To Extend the Notice of Injury Period in the Maine Workers' Compensation Act of 1992.

State & Local Government
Room 214, Cross Building, 9:00 a.m.
Tel: 287-1330

LD 744 – Resolve, Authorizing the Commissioner of Administrative and Financial Services To Convey the Interests in Certain Real Property Located in East Millinocket.

LD 746 – An Act To Allow Municipalities To Determine the Duration of Development Districts Funded by Assessments.

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LEGISLATIVE HEARINGS (cont.)

Taxation

Room 127, State House, 1:00 p.m.
Tel: 287-1552

LD 854 – An Act To Improve Tax Incentives for Broadband Service.

LD 873 – An Act To Limit Registration Fees on Water Well Drilling Equipment To Encourage Purchasing of Modern Equipment for Rural Well Construction.

Veterans & Legal Affairs

Room 437, State House, 9:15 a.m.
Tel: 287-1310

LD 715 – An Act To Change the Allocation Formula for Reserve from Slot Machines.

Thursday, March 7

Appropriations & Financial Affairs

Room 228, State House, 1:00 p.m.
Tel: 287-1635

LD 1001 – Governor’s Biennial Budget: with the Department of Criminal Justice & Public Safety

Agriculture, Conservation & Forestry

Room 214, Cross Building, 1:00 p.m.
Tel: 287-1312

LD 497 – An Act Regarding the Providing of Human Food Waste to Swine Producers.

LD 568 – An Act to Change the Composition of the Maine Land Use Planning Commission.

Environment & Natural Resources

Room 216, Cross Building, 1:00 p.m.
Tel: 287-4149

LD 906 – An Act Concerning Pavement Sealing Products.

Judiciary

Room 438, State House, 1:00 p.m.
Tel: 287-1327

LD 433 – RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Prohibit Discrimination Based on the Sex of an Individual.

Transportation

Room 126, State House, 1:00 p.m.
Tel: 287-4148

LD 180 – An Act To Allow for the Regulation of Transportation Network Companies at Airports by Municipalities.

LD 331 – An Act To Prohibit the Operation of Large Commercial Vessels in the Waters of Southern Mount Desert Island.

LD 689 – An Act Regarding Temporary Signs Related to an Event That Are Placed in the Public Right-of-way.

Friday, March 8

Criminal Justice & Public Safety

Room 436, State House, 10:00 a.m.
Tel: 287-1122

LD 460 – An Act Requiring the State To Reimburse Counties for All Costs Exceeding the Tax Assessment for Correctional Services.

LD 678 – An Act Requiring the State To Find 20.25 Percent of the Cost of County Jails.

LD 691 – An Act Regarding County Jail Funding.

LD 755 – An Act To Ensure Funding Sources for County Jails.

1:00 p.m.

LD 648 – An Act To Improve Reporting of Operating Under the Influence Offenses.

LD 767 – An Act To Ensure the Availability of In-person Visitation in County Jails.

IN THE HOPPER

(The bill summaries are written by MMA staff and are not necessarily the bill’s official summary statement or an excerpt from that summary statement. During the course of the legislative session, many more bills of municipal interest will be printed than there is space in the *Legislative Bulletin* to describe. Our attempt is to provide a description of what would appear to be the bills of most significance to local government, but we would advise municipal officials to also review the comprehensive list of LDs of municipal interest that can be found on MMA’s website, www.memun.org.)

Agriculture, Conservation and Forestry

LD 1040 – An Act To Waive the Variance Process for Harvesting Timber in a Shoreland Zone. (Sponsored by Rep. Arata of New Gloucester)

This bill allows a landowner to conduct timber harvesting activities on property adjacent to a river, stream, pond, wetland or tidal water that exceed limits established by the Department of Agriculture, Conservation and Forestry, Bureau of Forestry rules if determined necessary by a professional forester in order to meet acceptable forestry standards upon a 5-day notice to the bureau by the landowner stating the area where the timber harvesting activity is to take place, the name of the professional forester, the professional forester’s license number and the professional forester’s determination of the need for the timber harvesting activity.

Appropriations and Financial Affairs

LD 794 – An Act To Authorize a General Fund Bond Issue To Recapitalize the Municipal Investment Trust Fund. (Sponsored by

Sen. Deschambault of York Cty.)

This bill sends out to the voters a proposed \$6 million bond issue to provide funds to recapitalize the Municipal Investment Trust Fund to provide grants and loans to municipalities for public facilities and infrastructure.

LD 1000 – An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2019. (Emergency) (Governor’s Bill) (Sponsored by Rep. Gattine of Westbrook)

This bill is the Governor’s FY 2019 supplemental General Fund budget. Of municipal significance, the bill includes a \$2.5 million appropriation for the state’s Disaster Recovery Fund. According to the information provided in the governor’s budget overview document, this funding will be distributed to municipalities hit by the 2017 wind storm and 2018 coastal flooding events.

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HOPPER (cont.)

Criminal Justice and Public Safety

LD 925 – An Act Requiring the Department of Corrections To Fully Fund County Jails for Individuals Sentenced to County Jails for More Than 6 Months and Individuals Held for Probation or Parole Violations. (Sponsored by Rep. Stanley of Medway)

This bill requires the Department of Corrections to reimburse a county for the costs of confining a person who is serving a sentence of more than 6 months or for a probation or parole violation.

LD 1014 – An Act To Attract and Retain Firefighters. (Sponsored by Sen. Herbig of Waldo Cty.)

This bill provides funding to the Maine Length of Service Award Program to provide length of service awards to eligible volunteer firefighters and emergency medical services personnel.

Education and Cultural Affairs

LD 736 – An Act To Protect Students during Elections Held at Their Schools. (Sponsored by Rep. Fecteau of Biddeford)

This bill requires that when an election is held with a school as a voting place, the school must either be closed or secured according to a plan approved by the municipal law enforcement agency responsible for protecting that school.

Environment and Natural Resources

LD 710 – Resolve, To Require the Department of Environmental Protection To Study the Establishment of a Product Stewardship Program for Mattresses. (Sponsored by Rep. Berry of Bowdoinham)

This resolve requires the Department of Environmental Protection to study the establishment of a new stewardship program in the State for mattresses and report the results of its study and recommendations to the Joint Standing Committee on Environment and Natural Resources by December 4, 2019.

LD 988 – An Act To Reduce the Landfilling of Municipal Solid Waste. (By Request) (Sponsored by Sen. Chipman of Cumberland Cty.)

This bill removes the exemption to the municipal solid waste disposal surcharge for municipal solid waste generated by a municipality that owns the landfill accepting it or that has entered into a contract with a term longer than 9 months for disposal of municipal solid waste in that landfill facility. The bill also directs the proceeds from the surcharge to the Maine Solid Waste Diversion Grant Program.

Health and Human Services

LD 459 – An Act To Include Homelessness in the Laws Governing Emergency General Assistance. (Sponsored by Sen. Chipman of Cumberland Cty.)

This bill defines “homelessness” for the purposes of the laws governing general assistance, which includes living in a place that is not fit for human habitation, living in an emergency shelter or temporary housing, and fleeing violence. The bill also specifies that a person experiencing or facing homelessness who meets the conditions for receiving emergency assistance in current law is eligible for emergency general assistance.

LD 915 – An Act To Provide Adequate Reimbursement under MaineCare for Ambulance and Neonatal Transport Services. (Sponsored by Sen. Jackson of Aroostook Cty.)

This bill specifies that beginning September 1, 2019 the reimbursement rate for ambulance services under the MaineCare program may not be less than the average allowable reimbursement rate under Medicare and reimbursement for neonatal transport services under MaineCare must be at the average rate for critical care transport services under Medicare.

Judiciary

LD 847 – An Act To Ensure Persons with Disabilities Have Access to Public Rest Rooms. (Sponsored by Rep. Riley of Jay)

This bill provides that single-occupancy bathrooms in existing

buildings for use by the general public, including municipal buildings, may not be designated as gender specific. It also requires that new construction of buildings for use by the general public include the construction of single-occupancy bathrooms that meet the standards of construction for new buildings and the federal Americans with Disabilities Act of 1990. The bathrooms may not be designated as gender specific; the purpose of this provision is to ensure that a person with a disability using the bathroom may be assisted by an attendant of a different gender.

Labor and Housing

LD 415 – An Act To Enhance the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program. (Sponsored by Rep. Verow of Brewer)

This bill makes changes to the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program to: (1) make enrollment in the program mandatory for a county or municipal law enforcement officer or municipal firefighter with a date of hire on or after January 1, 2020 and offers one-time open enrollment until July 1, 2020 to those officers and firefighters with a date of hire after November 1, 2006 who elected not to enroll; (2) increase the employee contribution for participation in the program from 1.5% of gross wages to 2.5% and makes corresponding changes to the contribution requirements for retirees with less than five years of contributions upon retirement; (3) allows a retiree to be eligible if the retiree is less than 50 years of age as long as the retiree has at least 25 years of service in a position as a county or municipal law enforcement officer or a municipal firefighter and has participated in the special consolidation retirement plan from the Maine Public Employees Retirement System; (4) increase the state subsidy for the retiree’s share of the costs of health insurance coverage from 45% to 100%; and (5) require that all retirees be provided health insurance coverage through the group health plan provided to state employees beginning January 1, 2020.

LD 921 – An Act To Allow Municipalities To Adopt Stricter Building and Energy Code Standards Than the Maine Uniform Building and Energy Code. (Sponsored by Rep. Kessler of South Portland)

Upon receiving written approval from the Technical Building Codes and Standards Board, this bill authorizes municipalities to adopt building and energy code requirements that are stricter than those contained in the Maine Uniform Building and Energy Code.

LD 1041 – An Act Regarding Collective Bargaining for Public Employees under the Municipal Public Employees Labor Relations Laws. (Sponsored by Rep. Collings of Portland)

This bill amends provisions relating to collective bargaining by public employees covered by municipal public employees labor relations laws, including: (1) repealing the provision that prohibits public employees from stopping or slowing work, striking or blacklisting public employers to prevent the employers from filling vacancies; and (2) requiring both parties to collective bargaining to have an individual present who is authorized to reach a tentative agreement.

State and Local Government

LD 970 – An Act To Encourage Policies Regarding Accessory Dwelling Units under Local Comprehensive Plans and Zoning Requirements. (Sponsored by Rep. Campbell of Orrington)

This bill directs municipalities to develop policies in the comprehensive planning process that provide for accessory dwelling units, which are dwelling units located within a detached single-family dwelling unit.

Taxation

LD 444 – An Act To Fully Restore Revenue Sharing. (Emergency) (Sponsored by Sen. Bellows of Kennebec Cty.)

This bill restores state-municipal revenue sharing to 5% percent from 2% as of April 1, 2019.

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HOPPER (cont.)

LD 452 – An Act To Change the Penalty When Land under the Maine Tree Growth Tax Law Is Transferred. (Sponsored by Sen. Moore of Washington Cty.)

This bill provides that if land classified under the Maine Tree Growth Tax Law is to be transferred, the owner must notify the assessor of the intended transfer and the intended transferee of a potential withdrawal penalty. If land is transferred, a withdrawal penalty must be assessed against the transferor unless the intended transferee notifies the assessor of intent to maintain eligibility of the land for tree growth classification.

LD 609 – An Act to Provide Municipalities Additional Sales Tax Revenue from Lodging Sales. (Sponsored by Rep. Terry of Gorham)

This bill provides an incremental sales tax of 1% for those sales currently subject to the 9% sales tax on lodging. The incremental revenue, after reduction for administrative costs, is returned to the generating municipality or unorganized territory. The amount received may not be used to reduce any other state aid or revenue sharing to municipalities or the unorganized territory.

LD 751 – An Act To Reinstate the State Property tax Deferral Program of Maine’s Senior Homeowners. (Sponsored by Rep. Skolfield of Weld)

This bill reinstates the State’s elderly property tax deferral program, which until April 1, 1991 provided a mechanism allowing qualifying senior homeowners to defer property tax payments and required the State to pay the property taxes on behalf of the homeowners. This bill modifies the program’s eligibility standards by increasing the household income threshold from less than \$32,000 to less than \$40,000 and adding a liquid asset limit. The bill makes the existing abatement and appeal processes available in cases in which the State Tax Assessor disagrees with the municipal assessment of a property eligible for enrollment in the program.

LD 811 – An Act To Provide Additional Flexibility in the Municipal Property Tax Assistance Programs for Seniors. (Sponsored by Sen. Hamper of Oxford Cty.)

This bill amends the law regarding municipal property tax assistance programs to provide more flexibility to municipalities that choose to implement a program by allowing the municipality to establish: (1) A minimum age for eligibility, as long as that age is at least 62 years; and (2) a minimum length of time that the claimant has maintained a homestead in the municipality. The bill also allows a municipality to impose other eligibility standards and procedures, as long as they are established by ordinance.

LD 922 – An Act To Provide a Property Tax Exemption for Renewable Energy Fixtures. (Sponsored by Rep. Cooper of Yarmouth)

This bill provides a property tax exemption for renewable energy fixtures installed on or after Sept. 1, 2019. “Renewable energy fixtures” include fixtures that: (1) produce energy from solar, wind ocean thermal, wave, or tidal power; (2) enable low-emission advanced renewable energy conversion technologies; (3) are part of a run-of-the-river hydropower facility; or (4) are part of a sustainable biomass facility with an average emission rate no greater than 0.075 pounds of nitrogen oxides per million BTU.

LD 1031 – An Act To Base the Vehicle and Mobile Home Excise Tax on Actual Value. (Sponsored by Rep. Ordway of Standish)

This bill changes the method of computing the excise tax that is levied on motor vehicles, including commercial motor vehicles, buses and camper trailers, and mobile homes registered in the state. With the exception of certain commercial motor vehicles and buses and special mobile equipment, current law requires that the excise tax be based upon the maker’s list price for the motor vehicle or mobile home. The excise tax on certain commercial motor vehicles and buses and special mobile equipment is based on the purchase price. This bill requires that the excise tax for all motor vehicles, mobile homes and camper trailers be based upon the actual value of the vehicle or mobile home at the

time of delivery to the owner, as determined by sources approved by the State Tax Assessor. Current law requires the state to reimburse a municipality for the difference in the amount of excise tax that would have been collected by the municipality on each commercial motor vehicle or bus using the manufacturer’s suggested retail price instead of the actual purchase price. This bill applies that requirement to all vehicles registered and taxed by the municipality using the actual value.

LD 1034 – An Act to Provide Revenue To Fix and Rebuild Maine’s Transportation Infrastructure. (Sponsored by Rep. McLean of Gorham)

This bill address Highway Fund revenue shortfalls by increasing: (1) certain fees charged by the Secretary of State for driver’s license examinations, temporary license plates, nondriver identification cards, duplicate registrations, titles, driver’s licenses, nondriver identification cards and transfers of registrations; and (2) the sales tax on the short-term rental of automobiles and certain pickup trucks and vans from 10% to 12%. The bill also requires 5% of the sales tax imposed on transportation-related items, such as motor vehicles and products for the repair and maintenance of motor vehicles, such as motor oil, batteries and tires, to be transferred to the Highway Fund on a monthly basis. Finally, beginning October 1, 2019, the bill increases the tax imposed on gasoline from 29.5¢ to 36.5¢ per gallon, and the tax imposed on special fuel from 29.6¢ to 37.7¢ per gallon.

Transportation

LD 778 – An Act To Create the Fund for Municipalities To Improve Pedestrian Safety. (Sponsored by Sen. Libby of Androscoggin Cty.)

This bill establishes the Fund for Municipalities To Improve Pedestrian Safety as a program account in the Highway Fund within the Department of Transportation. The bill provides that the fund must be used for pedestrian safety improvements, such as lights, paint, signs, speed bumps and reconstruction of intersections. The bill also provides that a municipality or a group of municipalities may apply for funding from the fund. Up to 80% of project costs for pedestrian safety improvements may be financed from the fund with the remainder of the costs provided by the municipality or group of municipalities, except that up to 100% of proposed project costs for pedestrian safety improvements may be financed from the fund if the project is located within an area identified by the Department of Transportation as a dangerous intersection based on pedestrian crash data. The bill also requires the department to notify municipalities of the required biennial report and pedestrian crash data. Finally, the bill provides that the Fund for Municipalities To Improve Pedestrian Safety receives revenue from uncommitted balances in the Multimodal Transportation Fund and other funds from any public or private source.

LD 917 – An Act Increasing Municipal Agent Fees for Motor Vehicle, All-terrain Vehicle, Snowmobile and Watercraft Registrations. (Sponsored by Sen. Gratwick of Penobscot Cty.)

This bill increases the service fees for registrations for motor vehicles from \$3 to \$5 for renewals and from \$4 to \$6 for new registrations. It also increases the service fees for registrations for all-terrain vehicles, snowmobiles and watercraft, from \$1 to \$3 for renewals and from \$2 to \$5 for new registrations.

LD 1002 – An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020 and June 30, 2021. (Emergency) (Governor’s Bill) (Sponsored by Rep. McLean of Gorham)

This bill is the Governor’s FY 2020 – FY 2021 biennial Highway Fund budget, which advances the following initiatives of municipal significance:

Multimodal Transportation Loans (Part D). Part D of the Highway Fund budget allows the Commissioner of the Department of

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Transportation (DOT) to use revenue in the Multimodal Transportation fund to make loans to counties, municipalities, state agencies and quasi-state government agencies advancing qualifying multimodal projects.

Local Road Assistance Program (Part J). Part J of the budget repeals the section of law that excludes Marine Highways from the calculation of state aid provided under the Local Road Assistance Program (LRAP). Under existing law, nine percent of the Highway Fund revenues allocated to the DOT, excluding Marine Highway funding, is distributed to municipalities. The change proposed in the budget increases LRAP funding by \$396,000 over the next two years, resulting in roughly \$21.3 million in local road assistance funding in both FY 2020 and FY 2021.

Veterans and Legal Affairs

LD 453 – An Act to Ensure the Integrity and Accountability of Persons Who Are Elected to Public Office. (Sponsored by Sen. Kiem of Oxford Cty.)

This concept draft bill proposes to enact measures designed to ensure the integrity and accountability of persons who are elected to public office.

LD 999 – An Act To Allow Medical and Adult Use Marijuana Stores To Share a Common Space. (Sponsored by Sen. Miramant of Knox Cty.)

This bill allows the use of a shared facility for retail sale of adult use marijuana and products and sale of marijuana and products for medical use, as long as the adult use marijuana and adult use marijuana products are sold using a different cash register than that used for sales of marijuana and marijuana products for medical use.

LD 1026 – An Act To Require Election Transparency. (Sponsored by Rep. Hubbell of Bar Harbor)

This bill requires the Secretary of State to: (1) Publish a guide to election procedures for public distribution and revise the guide annually to reflect current law, rules and procedures regarding elections. (2) Provide and require local election officials to complete and submit a checklist of voting place election procedures and a ballot reconciliation form that accounts for ballots delivered, ballots voted, absentee ballots mailed and returned, spoiled ballots, unused ballots, challenged ballots and ballots unaccounted for. (3) Develop an election complaint process for use by election officials and the public to report excessive wait times, noncompliance with election procedures or other concerns about the election process. (4) Maintain automatic voter registration information and contract with a nonprofit corporation of member states to maintain the information. (5) No later than 12 months after the election, provide the Legislature with a report summarizing: (a) the information obtained from submitted election voting place checklists and ballot reconciliation forms; (b) election day complaints; (c) voters removed from the central voter registration system since the prior general election; (d) recounts conducted, including a description of any discrepancies in vote totals and explanations for discrepancies when available; as well as recommendations for resolving identified problems with the election process at the state or local level. (6) Establish an ad hoc committee, composed of state and municipal election officials, election security advocates and registered voters, to conduct a study of best practices in post-election ballot audits, recounts and the intersection of audits with recounts. The study must include nonbinding, post-certification pilot audits of both plurality and ranked-choice elections. The Secretary of State shall by Dec. 6, 2023 submit a report based upon the study with any recommended legislation to the joint standing committee of the Legislature having jurisdiction over election matters. The joint standing committee may report out a bill based upon the report to the Second Regular Session of the 131st Legislature.